

QUECHAN TRIBAL COURT INFORMATION ON SERVICE OF PROCESS

1. **Who Services Civil Process?** Each party to a civil action is responsible for service on the other parties to the case. Specifically, section 5.1.6 of the Quechan Law and Order Code (QLOC) states in civil cases, the “Tribal Court is in no way responsible for service of a party’s documents. Each party shall bear its own costs of service.”

2. **What Papers Have To Be Served?** Each and every document a party files with the Court has to be served on the other parties to the case. Specifically, “[a] party shall serve all documents filed with the Tribal Court upon all parties to the action.” QLOC § 5.1.6. This means that a plaintiff or petitioner, after filing the summons, and complaint or petition with the Tribal Court, shall serve a copy of the summons, the complaint or petition, and all other documents the plaintiff or petitioner has filed with the Court, if any others, upon the defendant or respondent. It also means that the defendant or respondent, after filing his or her answer or response with the Court, shall serve a copy of that answer or response and all other documents the defendant or respondent has filed with the Court, if any, upon the plaintiff or petitioner.

3. **How is Service Made?** A party serves legal documents by placing a copy of each document to be served in an envelope, addressing the envelope to the other party to be served and either:
 - A. Mailing by certified mail, return receipt requested, to the party to be served (Note: that the United States Post Office requires a party specially request “Restricted Delivery” if that party wants the certified mail delivered to only the person addresses, normal certified mail is not enough); or
 - B. Mailing regular first-class mail, postage prepaid to the party to be served (Note: that this method of service will not guarantee the other party has received the mailing); or
 - C. Delivering the addressed envelope to the Tribal Chief of Police or to another process server licensed by the Tribal Court on the Ft. Yuma Reservation for personal service. (Note: this method is usually the most timely and effective, although it is usually the most costly because the Tribal Police or other process server may charge the party for the service of civil process because civil process usually arises out of private lawsuits between individuals, not criminal cases.
 - D.

4. **After Serving the Documents, is There Anything Else the Party Has to Do to Complete Service?** Yes. After service, the party responsible for service must file an affidavit of service with the Tribal Court, and if service was by certified mail, a copy of the return receipt must also be attached. If service is one by the Tribal Chief of Police, or by another licensed process server, they should complete the affidavit of service and that

affidavit must then be filed with the Tribal Court. The Clerk of the Court has blank affidavit of service forms to assist parties with this requirement. (Note: if no affidavit of service is filed with the Court, the Court may dismiss that party's case, or strike that party's pleading, for lack of service, even if the documents were actually served, because filing the affidavit of service is a requirement of law. (L&O § 5.1.6.)