

Commencing an Action: Washington

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A Q&A guide to commencing an action in Washington. This Q&A addresses the requirements for drafting and filing initiating papers, serving process and amending the complaint. Answers to questions can be compared across a number of jurisdictions (see [Commencing an Action: State Q&A Tool](#)).

Overview of Commencing an Action

1. What are the applicable rules for commencing an action?

Washington State Court Rules

The Washington State Court Rules provide the rules of civil procedure for the Washington state court system. These rules include:

- The General Rules ([Wash. Gen. R. 1 to 37](#)).
- The Superior Court Civil Rules ([Wash. Super. Ct. Civ. R. 1 to 86](#)).
- The Civil Rules for Courts of Limited Jurisdiction ([Wash R. Civ. Ltd. Juris. 1 to 86](#)).

Other Sources

Other sources of applicable procedural law include:

- The Revised Code of Washington.
- The Washington State Constitution.
- The local rules and individual judges' practices.

2. Generally, in which trial level court must an action be commenced? Please address:

- Monetary thresholds for trial level courts.
- Territorial limits for trial level courts.

If the jurisdictional requirements are satisfied, a party in Washington may commence an action in:

- The superior court (see [Superior Court](#)).
- The courts of limited jurisdiction, including:
 - the district courts (see [District Courts](#)); and
 - the municipal courts (see [Municipal Courts](#)).

Superior Court

The superior court has original civil jurisdiction in:

- All cases in equity.
- Cases at law:
 - involving title or possession of real property;
 - involving the legality of any tax, impost, assessment, toll, or municipal fine; or
 - in which the demand or value of the property in controversy is \$300 or more.
- Forcible entry and detainer actions.
- Insolvency proceedings.
- Actions involving nuisances.

- Probate matters.
- Marital dissolution proceedings.
- Cases in which exclusive jurisdiction is not vested in another court.
- Special cases and proceedings not otherwise provided for.

(RCW 2.08.010; Wash. Const. art. IV, § 6.)

Monetary Thresholds

The superior court is Washington's court of general jurisdiction. As a court of general jurisdiction, there is generally no monetary threshold for commencing an action in the superior court. (Wash. Const. art. IV, § 6.)

Territorial Limits

Generally, the process of superior courts extends to all parts of Washington. However, actions to recover possession of, quiet the title to, or enforce liens on real estate must be commenced in the county in which the real estate or part of the real estate is situated. (RCW 2.08.210.)

District Courts

District courts have civil jurisdiction over cases where the amount in controversy does not exceed \$100,000, including:

- Actions arising on contract for the recovery of money.
- Actions for damages related to:
 - injuries to a person;
 - taking or detaining personal property;
 - injuries to personal property;
 - injuries to real property not involving claims related to the plaintiff's title to or possession of the property; and
 - recovering personal property.
- Actions on a bond for the payment of money, where the amount claimed does not exceed \$50,000.

- Actions on an undertaking or surety bond taken by the court.
- Actions for damages for fraud in the sale, purchase, or exchange of personal property.
- Civil proceedings for which a monetary penalty may be imposed.
- Small claims, which are filed and heard in the Small Claims Department.
- Proceedings to issue writs of attachment, garnishment, and replevin.
- Actions to civilly enforce any money judgment entered in a municipal court or municipal department of a district court.

([RCW 3.66.020](#).)

Monetary Thresholds

District courts have jurisdiction over civil cases in which the value of the claim does not exceed \$100,000, exclusive of interest, costs, and attorneys' fees ([RCW 3.66.020](#)).

The superior and district courts have concurrent jurisdiction over certain civil cases in which the value of the claim is less than \$100,000 ([Wash. Const. art. IV, § 6](#)).

Territorial Limits

District court judges may issue civil and criminal process in and to any place in the state ([RCW 3.66.100](#)).

Municipal Courts

Municipal courts hear violations of municipal or city ordinances. They have exclusive jurisdiction over traffic infractions arising under city ordinances and all other actions brought to enforce or recover license penalties or forfeitures. Municipal courts do not accept civil or small claims cases. ([RCW 3.50.020](#).)

Monetary Thresholds

Washington law does not specify a monetary threshold for jurisdiction in municipal courts, as these are local ordinance violation claims.

Territorial Limits

Claims brought in municipal courts relate to violations of local ordinances and must be brought in the municipality where the claim arose ([RCW 3.50.020](#)).

3. What documents must be prepared to commence an action? Are there official forms for the initiating papers?

Documents

Superior Court

In the Washington superior courts, a plaintiff commences an action by filing the complaint or by serving a copy of a summons and complaint on the defendant ([Wash. Super. Ct. Civ. R. 3](#)).

Courts of Limited Jurisdiction

In the courts of limited jurisdiction (district and municipal courts), a civil action is commenced by filing a complaint that has been signed by the plaintiff or the plaintiff's counsel ([Wash. R. Civ. Ltd. Juris. 3, 11](#)).

Official Forms

The websites of specific courts may have mandatory or sample forms of the initiating papers (for example, the King County Superior Court's [website](#)).

4. Is an action commenced by serving or filing the initiating papers? If an action is commenced by service, by when must the complaint or other pleadings be filed?

Superior Court

In Washington superior court, a plaintiff commences an action by filing the complaint or by serving a copy of the summons and complaint on the defendant ([Wash. Super. Ct. Civ. R. 3](#)).

For the purpose of tolling any statute of limitations, an action is deemed commenced when the complaint is filed or the summons is served, whichever occurs first. If there was no service on the defendant before the filing of the complaint, the defendant must be served within 90 days from the date of filing the complaint. If there was no filing before service, the plaintiff must file the summons and complaint within 90 days from the date of service. ([RCW 4.16.170](#).)

Where both filing and service have been completed within the statute of limitations, the 90-day rule does not apply (*Hansen v. Watson*, 559 P.2d 1375, 1376 (Wash. Ct. App. 1977)).

If the plaintiff has served the defendant but not yet filed the complaint, the defendant may make a written demand that the plaintiff file the summons and complaint and pay the filing fee within 14 days after service. Failure to file the summons and complaint and pay the filing fee within the 14-day period renders service against the defendant void. (Wash. Super. Ct. Civ. R. 3.)

Courts of Limited Jurisdiction

In district and municipal courts, a civil action is commenced by the filing of a complaint (Wash. R. Civ. Ltd. Juris. 3).

5. How are the initiating papers filed? Please address:

- Whether the papers are filed electronically or by hard copy.
- Any fees for filing the initiating papers, and in what form those fees must be paid.

Filing Initiating Papers

Generally, initiating papers must be filed with the clerk of the appropriate court in hard copy (Wash. Super. Ct. Civ. R. 5(e); Wash. R. Civ. Ltd. Juris. 5(e)). However, some Washington courts have adopted electronic filing requirements (Wash. Gen. R. 30). Practitioners should refer to local courts' websites and local rules for further guidance.

Filing Fees

There is a filing fee of \$200 for civil actions. Until July 1, 2021, the plaintiff must also pay surcharge of \$40 at the time of filing the initiating papers. (RCW 36.18.020(2)(a), (5)(a) and (c).)

Practitioners should refer to the local courts' websites for specific information on fee payment information. Generally, if paying by check, the check should be drawn on a Washington State bank account with the payer's name and address imprinted on the check.

Initiating Papers

6. What are the contents that must be included in the summons?

Superior Court

In Washington, the summons for personal service in superior court must include:

- The title of the cause, specifying:
 - the name of the court in which the action is brought;
 - the name of the county designated by the plaintiff as the place of trial; and
 - the names of the parties to the action.
- A direction summoning the defendant to serve a copy of the defense within a time stated in the summons.
- A notice that failure to respond to the summons may result in a default judgment against the defendant.
- The signature and date written by the plaintiff or the plaintiff's attorney and a post office address at which papers may be served.

(Wash. Super. Ct. Civ. R. 4(b)(1).)

Generally, the summons must follow substantially the same form as specified in [Rule 4\(b\)\(2\) of the Washington Superior Court Civil Rules](#).

Courts of Limited Jurisdiction

The summons for personal service in courts of limited jurisdiction must include:

- The title of the cause, specifying:
 - the name of the court in which the action is brought;
 - the name of the county designated by the plaintiff as the place of trial; and
 - the names of the parties to the action.
- A direction summoning the defendant to file and serve the defense within a time stated in the summons.

(Wash. R. Civ. Ltd. Juris. 4(b)(1).)

The summons must follow substantially the same form as specified in Rule 4(b)(2) of the Washington Civil Rules for Courts of Limited Jurisdiction.

7. What are the contents that must be included in the complaint?

In Washington, a complaint must contain:

- A caption specifying:
 - the name of the court;
 - the title of the action;
 - the file number, if known to the person signing it; and
 - an indicator that identifies the pleading as a complaint.

- A title that includes the names of all the parties or a statement that the name of the defendant is currently unknown.

(Wash. Super. Ct. Civ. R. 10(a); Wash. R. Civ. Ltd. Juris. 10(a).)

In the superior courts, all claims must be presented in separate numbered paragraphs. To the extent practicable, the contents of each paragraph must be limited to a statement of a single set of circumstances. Each claim must also be founded on a separate transaction or occurrence. (Wash. Super. Ct. Civ. R. 10(b).)

In courts of limited jurisdiction there is no requirement that allegations and claims be presented in separate numbered paragraphs.

Statements in a complaint may be adopted by reference in a different part of the complaint or in another pleading or motion. A copy of any written instrument which is an exhibit to the complaint is considered a part of the complaint for all purposes. (Wash. Super. Ct. Civ. R. 10(c); Wash. R. Civ. Ltd. Juris. 10(b).)

In addition, the complaint must contain a demand for a judgment (Wash. Super. Ct. Civ. R. 8(a); Wash. R. Civ. Ltd. Juris. 8(a)).

If the plaintiff is represented, the complaint must be dated and signed by at least one attorney of record in the attorney's individual name. The signature block must include the attorney's address and Washington State Bar Association membership number. An unrepresented party must sign and date the complaint and state the party's address. (Wash. Super. Ct. Civ. R. 11(a); Wash. R. Civ. Ltd. Juris. 11(a).)

8. Must the plaintiff certify or swear to the complaint?

In Washington, a complaint may but is generally not required to be verified or accompanied by an affidavit ([Wash. Super. Ct. Civ. R. 11\(a\)](#); [Wash. R. Civ. Ltd. Juris. 11\(a\)](#)).

However, the plaintiff must verify the complaint for:

- Petitions for dissolution of marriage or separation.
- Declarations concerning the validity of a marriage or custody.
- Modifications of decrees issued as a result of any of these petitions.

([Wash. Super. Ct. Civ. R. 11\(a\)](#).)

An affidavit or verification may also be required by statute.

9. What is the applicable pleading standard? Please address any:

- Key distinctions from [Federal Rules of Civil Procedure 8](#).
- Different pleadings requirements for particular claims (for example, fraud).

State Pleading Standard

Washington is a notice pleading state. Under Washington law, a complaint must contain:

- A short and plain statement of the claim showing that the pleader is entitled to relief.
- A demand for judgment for the relief to which the pleader deems himself entitled.

([Wash. Super. Ct. Civ. R. 8\(a\)](#); [Wash. R. Civ. Ltd. Juris. 8\(a\)](#).)

Each averment in a pleading must be "simple, concise, and direct" ([Wash. Super. Ct. Civ. R. 8\(e\)](#); [Wash. R. Civ. Ltd. Juris. 8\(e\)](#)). The pleadings must be construed so as to do substantial justice ([Wash. Super. Ct. Civ. R. 8\(f\)](#); [Wash. R. Civ. Ltd. Juris. 8\(f\)](#)).

Key Federal Distinctions

Under federal law, a complaint must include:

- A statement of the grounds for the court's jurisdiction ([Fed. R. Civ. P. 8\(a\)](#)).
- Sufficient facts to give rise to a claim that is plausible on its face ([Ashcroft v. Iqbal](#), 556 U.S. 662, 679 (2009), citing [Bell Atl. Corp. v. Twombly](#), 550 U.S. 544, 570 (2007)).

In Washington, there is no requirement to plead the basis of the court's jurisdiction ([Wash. Super. Ct. Civ. R. 8\(a\)](#); [Wash. R. Civ. Ltd. Juris. 8\(a\)](#)). The Washington Supreme Court has also expressly rejected the "facial plausibility" pleading standard ([McCurry v. Chevy Chase Bank, FSB](#), 233 P.3d 861, 863-64 (Wash. 2010)).

The adoption of Rule 8 of the Superior Court Civil Rules and Civil Rules for Courts of Limited Jurisdiction is not considered an adoption or approval of the forms of pleading in the Appendix of Forms approved in [Rule 84 of the Federal Rules of Civil Procedure](#) ([Wash. Super. Ct. Civ. R. 8\(f\)](#)).

Pleading Requirements for Particular Claims

Capacity

It is not necessary in Washington to aver the capacity or authority of a party to sue or be sued ([Wash. Super. Ct. Civ. R. 9\(a\)](#); [Wash. R. Civ. Ltd. Juris. 9\(a\)](#)).

However, if a party wishes to raise an issue regarding capacity or authority, the party may do so by negative averment which must include any supporting particulars that are peculiarly within the pleader's knowledge ([Wash. Super. Ct. Civ. R. 9\(a\)](#); [Wash. R. Civ. Ltd. Juris. 9\(a\)](#)).

Fraud, Mistake, Condition of the Mind

In a pleading alleging fraud or mistake, the facts constituting the fraud or mistake must be stated with particularity. Malice, intent, knowledge, and other conditions of the mind may be stated generally. ([Wash. Super. Ct. Civ. R. 9\(b\)](#); [Wash. R. Civ. Ltd. Juris. 9\(b\)](#)).

Condition Precedent

Allegations that conditions precedent occurred or were performed may be made generally. A denial of the performance or occurrence of a condition precedent must be made specifically and with particularity. ([Wash. Super. Ct. Civ. R. 9\(c\)](#); [Wash. R. Civ. Ltd. Juris. 9\(c\)](#)).

Official Document or Act

To plead an official document or act, it is sufficient to allege that the document was issued or that the act was done in compliance with the law ([Wash. Super. Ct. Civ. R. 9\(d\)](#); [Wash. R. Civ. Ltd. Juris. 9\(d\)](#)).

Judgment

In pleading a judgment or decision, it is sufficient to allege the judgment or decision. The jurisdiction of the deciding authority to render the judgment or decision does not need to be averred. ([Wash. Super. Ct. Civ. R. 9\(e\)](#); [Wash. R. Civ. Ltd. Juris. 9\(e\)](#).)

Time and Place

For the purpose of testing the sufficiency of a pleading, averments of time and place are material and must be considered like all other averments of matter ([Wash. Super. Ct. Civ. R. 9\(f\)](#); [Wash. R. Civ. Ltd. Juris. 9\(f\)](#)).

Special Damages

Special damages must be specifically stated ([Wash. Super. Ct. Civ. R. 9\(g\)](#); [Wash. R. Civ. Ltd. Juris. 9\(g\)](#)).

A complaint alleging damages for personal injury must contain a prayer for damages as they will be determined, rather than a statement of the specific damages sought. ([RCW 4.28.360](#)).

Pleading Existence of City or Town

In Washington, a plaintiff may plead the existence of a city or town by pleading that the city or town is an existing city or town incorporated or organized under the laws of Washington ([Wash. Super. Ct. Civ. R. 9\(h\)](#); [Wash. R. Civ. Ltd. Juris. 9\(h\)](#)).

Pleading Ordinance

To plead an ordinance of any city or town in Washington, the plaintiff may state:

- The title of the ordinance.
- The date of its passage.

([Wash. Super. Ct. Civ. R. 9\(i\)](#); [Wash. R. Civ. Ltd. Juris. 9\(i\)](#).)

Pleading Private Statutes

To plead a private statute, or a right derived from the statute, a plaintiff must refer to:

- The statute's title.
- The date of its passage.

(Wash. Super. Ct. Civ. R. 9(j); Wash. R. Civ. Ltd. Juris. 9(j).)

Foreign Law

Rules 9(k) and 44.1 of the [Superior Court Civil Rules](#) and Rules 9(k) and 44.1 of the Civil Rules for Courts of Limited Jurisdiction provide detailed rules for pleading the applicability of foreign law. Practitioners should review these rules before raising an issue concerning foreign law.

10. Please address the circumstances, if any, where a complaint is not part of the initiating papers, including what papers are filed instead of a complaint.

In certain statutory proceedings, Washington law requires that a petition be used instead of a complaint. For example, in marriage dissolutions, a plaintiff files a [Petition for Dissolution of Marriage](#) instead of a complaint.

11. Please discuss any prerequisites for filing certain claims (for example, filing a complaint against a government entity).

Claims Against the State

Nonjudicial tort and civil rights claims against the state of Washington must first be filed with the [Risk Management Division of the Department of Enterprise Services](#). The claimant must wait 60 days before filing suit. The applicable statute of limitations is tolled during the 60-day waiting period. (RCW 4.92.110.)

The 60-day waiting period allows Washington to investigate and possibly settle the claim without engaging in litigation.

Claims Against Local Government Entities

Claims asserting damages against local government entities are also nonjudicial claims. Claimants must file a notice of claim and the claimant must then wait 60 days before filing suit. (RCW 4.96.020.)

The notice-of-claim requirement does not apply to:

- Civil rights claims.
- Unfair labor practices claims.
- Claims for injuries due to health care.

(See [15 Wash. Prac., Civil Procedure § 46:2 \(2d ed.\)](#).)

Service of Process

12. When must the defendant be served with process? Can the time to serve the defendant be lengthened?

Serving the Defendant with Process

In Washington, the summons and complaint must be served at any time before expiration of the applicable statute of limitations.

Additional Time for Service

In Washington, the statute of limitations is tolled for 90 days if at least one defendant is served with a summons and the complaint is filed within the 90-day window ([RCW 4.16.170](#)).

The statute of limitations may also be tolled by statute in certain circumstances. These include:

- A defendant's absence from Washington ([RCW 4.16.180](#)).
- A plaintiff's personal disability ([RCW 4.16.190](#)).
- The death of a party ([RCW 4.16.200](#)).
- Suits against enemy aliens during wartime ([RCW 4.16.210](#)).
- Persons in US military service ([RCW 4.16.220](#)).

- An injunction or statute staying the commencement of an action ([RCW 4.16.230](#)).
- Reversal of judgment on appeal ([RCW 4.16.240](#)).
- Medical malpractice ([RCW 4.16.240](#)).
- Tortious conduct of local governmental entities ([RCW 4.96.020](#)).

13. What documents must be served?

In Washington, the process server must serve a copy of a summons and a complaint ([Wash. Super. Ct. Civ. R. 3\(a\)](#); [Wash. R. Civ. Ltd. Juris. 3](#)).

14. Who may serve process? Is a license or other certification required?

In Washington, process must be served by either:

- The county sheriff or deputy.
- A non-party who is over the age of 18 who is competent to be a witness in the action.

([Wash. Super. Ct. Civ. R. 4\(c\)](#); [Wash. R. Civ. Ltd. Juris. 4\(c\)](#).)

With limited exceptions, if a Washington process server collects a fee, they must:

- Be a Washington resident.
- Register as a process server with the auditor of the county in which the process server resides or operates his principal place of business.
- Be at least 18 years old.

([RCW 18.180.010\(1\)](#).)

15. What are the methods for service within the state?

The available methods of service in Washington vary depending on the defendant.

Service on an Individual

An individual may be served by either:

- Serving the individual with a copy of the summons and complaint.
- Leaving a copy of the summons and complaint at the individual's house or usual abode with a person of suitable age and discretion who resides there.

(RCW 4.28.080(16).)

If the above forms of service cannot be accomplished with reasonable diligence, service may be made by both:

- Leaving process papers at the defendant's usual mailing address with a person of suitable age and discretion who is a resident, proprietor, or agent.
- Mailing a copy of the summons and complaint to the defendant's usual mailing address, provided that the mailing address is not the defendant's place of employment or a US post office box.

(RCW 4.28.080(17).)

Service on Corporations and Other Entities

A domestic corporation or company may be served by delivering a copy of the summons and complaint to any of the following:

- The president or other head officer.
- The registered agent.
- The secretary.
- The cashier.

- The managing agent.
- A secretary, assistant, or stenographer of these individuals.

(RCW 4.28.080(9) and 23B.05.040.)

If a domestic corporation does not have an officer in Washington, the plaintiff may serve the [Washington Secretary of State](#) if the plaintiff also mails a copy of the process papers to the corporation's main place of business. The plaintiff must also publish notice of service in a newspaper of general circulation in Olympia, Washington at least once a week for six weeks (RCW 4.28.090 and 23B.05.040).

To serve a foreign corporation, non-resident joint stock company, partnership, or association that does business in Washington, the plaintiff may serve an agent, cashier, or secretary of the entity (RCW 4.28.080(10)).

For a foreign corporation without a registered agent or for a corporation that is no longer authorized to do business in Washington, the plaintiff may serve process on the Secretary of State if the plaintiff mails a copy of the process papers to the defendant's place of business (RCW 23B.15.100).

Service on Insurance Companies

A domestic insurance company may be served by delivering a copy of the summons and complaint to an agent of the company authorized to solicit insurance in Washington (RCW 4.28.080(6)).

An authorized foreign insurance company may be served by delivering two copies of the summons and complaint to the [Washington Commission of Insurance](#) and paying a \$10 filing fee (RCW 48.02.200; [Washington State Office of the Insurance Commissioner website](#)).

Service on Nonresident Motorists

If a plaintiff cannot locate a non-resident motorist involved in an accident in Washington after a due and diligent search, and the accident occurred within three years, the plaintiff may serve the Washington Secretary of State. The plaintiff must serve two copies of the process papers and pay a \$50 filing fee. (RCW 46.64.040.)

Service on Local Governments and Other Governmental Entities

Service on local governments and government entities may be served on:

- If the action is against any county:
 - the county auditor;
 - the deputy auditor, during normal office hours; or

- in the case of a charter county, the agent, if any, designated by the legislative authority.

- If the action is against any town or incorporated city in the state:
 - the mayor;

 - city manager; or

 - the mayor's or city manager's designated agent or the city clerk during normal office hours.

(RCW 4.28.080(1), (2).)

Service by Publication

Service by publication is permitted only if:

- The defendant cannot be found within the territorial jurisdiction of the court.

- The plaintiff, his agent, or attorney files an affidavit with the court stating that the affiant:
 - believes that the defendant is not a resident of the state or county, or cannot be found in the state or county; and

 - has mailed a copy of the summons and complaint to the defendant at his place of residence, unless it is stated in the affidavit that this residence is not known to the affiant.

(RCW 4.28.100; Wash. Super. Ct. Civ. R. 4(d)(3); Wash. R. Civ. Ltd. Juris. 4(e).)

Service by publication is only available in certain types of cases, including where:

- The defendant is a foreign corporation and has property within the state or county.

- The defendant, being a resident of the state or county, has departed from the state or county or keeps himself concealed:
 - with intent to defraud his creditors; or

 - to avoid the service of a notice and complaint.

- The defendant is not a resident of the state or county but has property in the state or county which has been brought under the control of the court by seizure or some equivalent act.

- The subject of the action is real or personal property in the state (or personal property in the county, for courts of limited jurisdiction) and:
 - the defendant has or claims a lien or interest in the property; and
 - the relief demanded consists wholly or partially in excluding the defendant from any interest or lien.
- The action is brought to determine conflicting claims to personal property in the state or county ([RCW 4.08.160](#) and [4.08.170](#)).

([RCW 4.28.100](#); [Wash. Super. Ct. Civ. R. 4\(d\)\(3\)](#); [Wash. R. Civ. Ltd. Juris. 4\(e\)\(1\)](#).)

Service by Mail

Washington courts may order service by mail in circumstances justifying service by publication if the serving party files an affidavit demonstrating that:

- Service by mail is just as likely to give actual notice as service by publication.
- The party is unable to afford the cost of service by publication.

([RCW 26.50.123](#).)

16. What are the methods for service outside the state?

Defendant in Another State

Washington has a long-arm jurisdiction statute ([RCW 4.28.185\(1\)](#)). Any person subject to its jurisdiction may be served outside the state in the same manner as service is made within Washington ([RCW 4.28.185\(2\)](#); [Wash. Super. Ct. Civ. R. 4](#); [Wash. R. Civ. Ltd. Juris. 4](#)).

Defendant in a Foreign Country

A defendant in a foreign country may be served a summons and complaint:

- In the manner prescribed by the law of the foreign country for service in that country in an action in any of its courts of general jurisdiction.
- As directed by the foreign authority in response to a **letter rogatory** or a letter of request.
- On an individual, by personal delivery.
- On a corporation, partnership, or association, by delivery to:
 - an officer;
 - a managing agent; or
 - a general agent.
- By any form of mail requiring a signed receipt, to be addressed and mailed to the party to be served.
- In accordance with the means and terms of any applicable treaty or convention.
- By diplomatic or consular officers when authorized by the US Department of State.
- As directed by order of the court.

(Wash. Super. Ct. Civ. R. 4(i).)

17. Are there any days on which service of process is restricted (for examples, Sundays or holidays)?

In Washington, there are no days on which service of process is restricted.

18. What are the consequences for ineffective service of process?

In Washington, both a summons and complaint must be served on the defendant for the court to have personal jurisdiction over the defendant (Wash. Super. Ct. Civ. R. 4(d)(1); Wash. R. Civ. Ltd. Juris. 4(d)(1)).

A court may, following a motion to dismiss for ineffective service of process, dismiss a complaint that is not properly served.

19. How are any defects in serving process cured?

In Washington, the court in its discretion may permit a plaintiff to amend any process or proof of service at any time, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process issued ([Wash. Super. Ct. Civ. R. 4\(h\)](#); [Wash. R. Civ. Ltd. Juris. 4\(j\)](#)).

20. Must proof of service of process be filed? Please address:

- Any required form of proof of service (for example, affidavit, affirmation, or declaration).
- Any information required in the proof of service.
- When the proof of service must be filed.

In Washington, proof of service must be filed ([Wash. Super. Ct. Civ. R. 4\(g\)](#); [Wash. R. Civ. Ltd. Juris. 4\(i\)](#)).

Required Form

The following may be filed as proof of service:

- The return of the sheriff or his deputy endorsed on or attached to the summons, if service is made by the sheriff or his deputy.
- An affidavit of service endorsed on or attached to the summons, if service is made by any other person.
- The affidavit of the publisher, supervisor, foreman, principal clerk, or business manager of the newspaper showing the same, together with a printed copy of the summons as published, if service is made by publication.
- The affidavit of the serving party stating that copies of the summons and other process were sent by mail in accordance with the rule and directions by the court and stating to whom and when the envelopes were mailed, if service is made by an alternative to service by publication.
- The written acceptance or admission of the defendant, his agent, or attorney.

- The affidavit of the person making the service, sworn to before a notary public, with a seal attached, or before a clerk of a court of record, if personal service is made out of the state.

(Wash. Super. Ct. Civ. R. 4(g); Wash. R. Civ. Ltd. Juris. 4(i).)

Required Information

With the exception of service by publication, the return, acceptance, admission, or affidavit must state the time, place, and manner of service (Wash. Super. Ct. Civ. R. 4(g); Wash. R. Civ. Ltd. Juris. 4(i)).

When Proof Must Be Filed

Washington law does not impose time constraints for filing service of process. Practitioners should note that, for service other than by publication, failure to make proof of service does not affect the validity of the service (Wash. Super. Ct. Civ. R. 4(g)(7); Wash. R. Civ. Ltd. Juris. 4(i)(7)).

Amending the Complaint

21. Can the complaint be amended after it has been filed, but before it has been served?

In Washington, a complaint may be amended at any time before a responsive pleading is served (Wash. Super. Ct. Civ. R. 15(a); Wash. R. Civ. Ltd. Juris. 15(a)).

22. Can the complaint be amended after it has been filed and served? If so:

- When can this be done as of right?
- When must a plaintiff seek a court order to amend the complaint?

In Washington, a complaint may be amended after it has been filed and served (Wash. Super. Ct. Civ. R. 15(a); Wash. R. Civ. Ltd. Juris. 15(a)).

Amendment as of Right

A party may amend a pleading once as a matter of course at any time before a responsive pleading is served. If the pleading is one to which no responsive pleading is permitted and the action has not been placed on the trial calendar, the party may amend it at any time within 20 days after it is served. ([Wash. Super. Ct. Civ. R. 15\(a\)](#); [Wash. R. Civ. Ltd. Juris. 15\(a\)](#).)

Court Order for Amending the Complaint

If a party does not amend the pleading within the time given for an amendment as of right, a party may amend its pleading only by leave of court or by written consent of the adverse party ([Wash. Super. Ct. Civ. R. 15\(a\)](#); [Wash. R. Civ. Ltd. Juris. 15\(a\)](#)).

Washington courts freely give leave when justice requires it. However, a motion to amend the complaint may be denied if the opposing party would be prejudiced (*Caruso v. Local Union No. 690 of Int'l Bhd. of Teamsters*, 670 P.2d 240, 243-44 (Wash. 1983)).