

## INSTRUCTIONS FOR SERVICE BY PUBLICATION

If you are starting a divorce or parental rights and responsibilities case, you must tell the other party that you are bringing a court action. Normally, you would do this by “serving” the other party. This means that you give copies of your court papers to the other party. Court rules tell you how this must be done.

Sometimes, however, the other party has disappeared and you have no way of serving him/her personally. In that case, you can ask a judge to allow you to serve the other party by publishing a notice about your case in the local newspaper. This is called “service by publication.” These instructions will tell you how to do this.

First, you need to make every reasonable effort to find the other party. If that doesn’t work, then you can ask a judge to allow service by publication.

### STEP ONE

Prepare the following papers:

- a) **Motion for Service by Publication**
- b) **Affidavit (describing what you have done to locate the other party.) This must be signed in front of a Notary Public.**
- c) **Order for Service by Publication (you complete the proposed order and later ask the clerk to have it signed.)**
- d) **A cover letter to be sent to the newspaper you have chosen to publish your notice.**
- e) **A verification form that will be filled out by the newspaper and returned to you.**

### STEP TWO

When you have finished these forms, take them along with your complaint and all your other papers to the court clerk’s office. Tell the clerk that you need to have the order signed by the judge and attested by the clerk. Usually, you will not have to see the judge. If you do, he or she will probably want to ask you about your efforts to find the other party or to ask you about the dates when the legal notices will be published.

You will not have to prepare a Summons to file with your Complaint. The Judge’s Order for Service by Publication and the publication itself will be treated as the Summons.

### STEP THREE

Send a **copy** of the signed Order for Service by Publication with the filled in cover letter to the newspaper along with the verification for the newspaper to fill out and return to you. You should also include your payment to the newspaper, unless the newspaper will bill you later.

Publication must begin within 20 days of the date on which the judge signs your Order. Be sure to make arrangements with the newspaper immediately to be sure that this deadline is met.

### STEP FOUR

You will get verification in the mail from the newspaper. This will include the completed verification form showing that the notice was published for three consecutive weeks. Copies of the notice as it appeared in the newspaper should be included.

Once you get back the verification, file it with the court clerk’s office. Service by Publication is complete 21 days after the notice appeared in the paper. For a divorce case, you can have your hearing 60 days after this date, as long as you have received the verification back from the newspaper. If you do not have your verification back by your hearing date, you must call the court clerk’s office and ask to reschedule.