



SERVICE BY PUBLICATION OR POSTING

Publication and Posting are legal solutions, not a matter of convenience. They are alternate methods of service permitted by the court when the whereabouts of the other party has been unknown for quite some time. Publication or Posting requires you to take a number of different steps that will delay your case.

PHASE 1: SEARCH FOR RESPONDENT

Carefully document your attempts to locate the other party by the following means:

1. Send a letter to the Respondent's last known address (even if this is the current address of the Petitioner). The letter must be sent Certified Mail, Return Receipt Requested, Restricted Delivery. **NOTE:** If the receipt returns with the Respondent's signature, service should immediately be attempted at that address.
2. Contact any known friends and relatives of the Respondent. Any phone numbers or addresses must be pursued by telephone or letter. Document all contacts with friends or relatives, even if this step proves fruitless, since this information will be used in Phase 2.
3. Search telephone directory and county assessor's real and personal property index for the locale where Respondent was last known to have resided and/or owned property. Obtain written documentation for all searches (such as photocopy of appropriate page in telephone directory).
4. Any results from the searches in item 3 above must be followed up. The suggested method is by mail, however telephone calls may be used if the results are numerous. Document the date and content of each telephone conversation.

PHASE 2: OBTAIN PERMISSION TO PUBLISH OR POST

1. Complete the following forms:
 - a. **Application for Order for Publication or Posting**, form FL-980
 - b. **Order for Publication or Posting**, form FL-982
2. Submit the original and 2 copies of the Application and Order, a self-addressed, stamped envelope and a check for \$20 to cover the filing fee (unless your filing fees have been waived) in the Courtroom Drop Box (or by mail) at the Family Relations Courthouse.
3. If your application is approved, the Order will be signed by the judge, and:

For Publication Only: The copies will be returned to you in the envelope you provided. Follow the instructions on page 2 of the order to complete the service process. Publication must be at least once per week for four (4) consecutive weeks.



For Posting Only: One copy of the order will be returned to you in the envelope you provided. The other copy will be posted in Room 100 of the Family Relations Courthouse with the Summons for 28 days.

4. If Respondent is located during the period of publication or posting, a copy of the Summons, Petition, blank Response and Order for Publication or Posting must be served by mail on Respondent.
5. Service is effective on the 28th day of after Publication in the newspaper or Posting begins. Submit proof of publication to the Court. The Certificate of Posting will be prepared and filed by the Court at the end of the 28 days, and a copy will be mailed to you. The Respondent then has 30 days in which to file a Response.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARTY/PARENT:	
APPLICATION FOR ORDER FOR <input type="checkbox"/> PUBLICATION OR <input type="checkbox"/> POSTING	CASE NUMBER:

1. **Publication Request:** The petitioner requests that the court issue an order directing service of the summons listed in item 3 based on Code of Civil Procedure section 413.30, and that the summons be published in the following newspaper of general circulation *(name of proposed newspaper of general circulation where respondent is most likely to receive actual notice)*:

2. **Posting Request:** The petitioner requests that the court issue an order directing service of the summons listed in item 3 by posting at the location listed below. The petitioner has submitted a *Request to Waive Court Fees* (form FW-001). This request is based on Code of Civil Procedure section 413.30.

Posting location (name, city, and state of proposed location to post where respondent is most likely to receive actual notice):

3. **The legal documents to be served are:**
- a. *Summons (Family Law)* (form FL-110)
 - b. *Summons (Uniform Parentage—Petition for Custody and Support)* (form FL-210)
 - c. *Other (specify):*

PETITIONER: RESPONDENT: OTHER PARTY/PARENT:	CASE NUMBER:
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4 The respondent cannot with reasonable diligence be served in any manner specified in Code of Civil Procedure sections 415.10 through 415.40 based on the declaration below.

5. **Declaration:**

Describe how you tried to find the respondent. This search may include checking with respondent's last known address; respondent's friends and family, respondent's current and past employers and any unions, Internet research, and the tax assessor records in the county of respondent's last known address or any county in which you think the respondent may live. List all steps, the date you took each step, and the results. (You may want to check with your local court's self-help center or the California courts on-line self-help center for additional ideas about how to locate someone).

- a. I last saw or had contact with the respondent on *(date)*:
at *(location)*:
- b. The last address I have for respondent is:
- c. The last work or business address I have for respondent is:
- d. I have taken the following steps to try to find the respondent:

Continued on the attached declaration. Number of pages attached: _____

Search results attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARTY/PARENT:	
ORDER FOR <input type="checkbox"/> PUBLICATION OR <input type="checkbox"/> POSTING	CASE NUMBER:

1. **Publication Granted:** The court finds that the respondent cannot be served in any other manner specified in the California Code of Civil Procedure. The court orders that the documents listed in item 6 be served by publication at least once per week for four successive weeks in the following newspaper (*specify*):

2. **Posting Granted:** The court finds that the respondent cannot be served in any other manner specified in the California Code of Civil Procedure and that the petitioner cannot afford to serve by publication. The court orders that the documents listed in item 6 be served by posting for 28 continuous days at the following location (*address*):

And that the documents in item 6, along with this order, be mailed to respondent's last known address (*specify*):

3. **Publishing Denied:** The court denies the request to publish.
 a. Other methods of service are possible.
 b. Insufficient attempts have been made to locate the respondent (*specify*):

4. **Posting Denied:** The court denies the request to post.
 a. Other methods of service are possible.
 b. Petitioner is able to pay fees required for publication.
 c. Insufficient attempts have been made to locate the respondent (*specify*):

5. **Hearing Required:** The court orders that a hearing be set to determine the petitioner's financial circumstances. If at this hearing the court decides that the petitioner, based on financial circumstances, does not qualify for posting, then the court may order that the documents listed in item 6 be served by publication.

Hearing date: _____ Time: _____ Dept: _____

6. Documents to be served by publication or posting:
 a. *Summons (Family Law)* (form FL-110)
 b. *Summons (Uniform Parentage—Petition for Custody and Support)* (form FL-210)
 c. Other (*specify*):

7. If, during the 28 days of publication or posting, you locate the respondent's address, you must have someone 18 years of age or older mail the documents listed in item 6 to the respondent along with this order. The server must complete and file with the court a *Proof of Service by Mail* (form FL-335).

Date: _____ JUDICIAL OFFICER _____

PETITIONER: RESPONDENT: OTHER PARTY/PARENT:	CASE NUMBER:
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INSTRUCTIONS

Publication:

- 1. Publication:** Take this order to the approved newspaper for publication and pay the fee to publish the documents listed in item 6 of this order for at least once a week for four successive weeks.
- 2. Proof of Service by Publication:** After the newspaper publication is complete, the newspaper will send you a declaration or affidavit of publication and a copy of the publication notice that appeared in the newspaper. You must file this declaration or affidavit of publication with the court clerk if it has not been filed by the newspaper. Be sure to make a copy for yourself.
- 3. Service by Publication Completed:** Service by publication is complete at the end of the 28th day of publication in the newspaper. If no response has been filed by the respondent, the petitioner may file a *Request to Enter Default* (form FL-165) starting on the 59th day after the first day of publication.
- 4. Mailing:** If during the time of publication, you locate the respondent's address, you must have someone 18 years of age or older mail the this order and all documents listed in item 6 of this order to the respondent. Be sure the person who mails these documents completes and files a proof of service of this mailing. The server may use *Proof of Service by Mail* (form FL-335).

Posting:

- 1. Posting Location:** You must have someone, 18 years of age or older and not a party to the case, post a copy of this *Order for Publication or Posting* (form FL-982) and all documents listed in item 6 of this order at the court-ordered posting location leaving it posted for 28 days in a row.
- 2. Mailing to last known address:** You must have someone, 18 years or older and not a party to the case, mail this *Order for Publication or Posting* (form FL-982) and all documents listed in item 6 of this order to the respondent's last known address. The person who mails these documents completes a proof of service of this mailing. The server may use *Proof of Service by Mail* (form FL-335).
- 3. Proof of Service by Posting:** The person (server) who posts and/or mails these documents must complete and file a declaration under penalty of perjury of such proof of posting. The server may use *Proof of Service of Posting* (form FL-985).
- 4. Service by Posting Completed:** Service by posting is complete at the end of the 28th day of posting. If no response has been filed by the respondent, the petitioner may file a *Request to Enter Default* (form FL-165) on the 59th day after the first day of posting.
- 5. Mailing:** If during the time of posting, you locate the respondent's address, you must have someone 18 years of age or older mail the this order and all documents listed in item 6 of this order to the respondent. Be sure the person who mails these documents completes and files a proof of service of this mailing. The server may use *Proof of Service by Mail* (form FL-335).

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARTY/PARENT:	
PROOF OF SERVICE BY POSTING	CASE NUMBER:

1. At the time of service I was at least 18 years of age and not a party to this action. I served the respondent by posting copies of:
- a. *Summons (Family Law) (form FL-110)*
 - b. *Summons (Uniform Parentage—Petition for Custody and Support) (form FL-210)*
 - c. *Other (specify):*

2. Location where documents were posted:

3. Date when documents were first posted:

Date when documents were removed *(document must be posted at least 28 days):*

4. My Name:

My Address:

My Telephone No.:

I am *(specify):*

- a. exempt from registration under Business and Professions Code section 22350(b).
- b. not a registered California process server.
- c. a registered California process server: an employee or an independent contractor
 - (1) Registration No.:
 - (2) County:

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

-or-

6. I am a California sheriff, marshal, or constable, and I certify that the foregoing is true and correct.

Date:

(NAME OF PERSON WHO SERVED PAPERS)

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(SIGNATURE OF PERSON WHO SERVED PAPERS)