Alternative Form of Service
Instructions for Packet 6A

This packet is for a person who has filed a petition for divorce, separation, custody or parenting time (visitation), or a motion for modification and cannot complete service by the usual methods, including:

- personal service (having the papers delivered directly to respondent),
- substitute service (delivery of papers to a person living at respondent's home who is at least 14 years old, and mailing of documents to home address),
- office service (delivery of papers to the person apparently in charge at respondent's office during working hours), and
- service by mail (delivery to respondent by first class mail and by certified, registered or express mail provided respondent signs a receipt for the certified, registered or express mail. The respondent must not be a minor or incapacitated.

The law requires that you try to locate respondent through all possible methods before an alternative method of service is allowed. This may include contacting respondent's employer, friends and relatives, public utilities, the post office, and any other entity or person that might know of respondent's whereabouts.

These forms allow you to request permission from the Court to use one of the following methods of service: publication, posting, or mailing to a specified post office address.

STEP 1

- Fill out the Motion for Order to Allow an Alternative Form of Service (MOTION) and Affidavit in Support of Motion for Alternative Form of Service (AFFIDAVIT).
- Fill out the case heading on the Order Regarding Request for Alternative Form of Service (ORDER).
- Fill out the Certificate of Document Preparation (CERTIFICATE).
- Make two copies of the MOTION, ORDER AND AFFIDAVIT. One is for your records and the other is to send to the respondent.

STEP 2

- File the original AFFIDAVIT, MOTION, ORDER and CERTIFICATE with the court clerk.
- Send true copies (copies that you have signed where it says, "I certify this is a true copy") of the originals to the respondent if you have a mailing address for that person.

STEP 3

Check back in a week to 10 days to see if the ORDER was signed by a judge, and if so, what method of service the judge has allowed you to use (if any).

STEP 4

- If an alternative method was allowed in the ORDER, follow the instructions in the ORDER to complete service.
- To serve by publication, you must fill out the Summons in this packet completely. Then you must publish BOTH the Summons and the "Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Cases" in the newspaper specified in the ORDER. You must also mail a copy of the summons, notice of statutory restraining order, and petition to the respondent if you know his or her post office box number or can find out what the post office box number is with reasonable diligence. If you can't find out the post office box number by exercising reasonable diligence, you may mail the documents to the respondent's last known address. If you can't find out the last known address using reasonable diligence, you don't have to mail the documents.
- To serve by mail, send the summons, notice of statutory restraining order, and petition by first class mail **and** by any of the following: certified or registered mail, return receipt requested, or express mail.
- To serve by posting, you must have someone other than yourself post the Summons, Notice of Statutory Restraining Order, and Petition at the location indicated by the court. The person who posts these papers must be 18 years of age or older and an Oregon resident, who is not a party, nor an attorney for any party, in your proceeding.

STEP 5

Once service is complete, file a proof of service with the court. You may do this by filing the Affidavit of Service if service was completed by posting or mailing. If service was completed by publication, submit the Affidavit of Publication and the Certificate of Mailing (if you are able to mail; see Step 4).

STEP 6

Wait until the period for the respondent to file a response has passed. If you don't receive a copy of a response in the mail, check with the court clerk to see if one was filed. If no response was filed, you may file your request for a default according to the instructions in the packet you used to file your petition.