

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, or enforcement of parenting time (not contempt) and cannot complete service by the usual methods, including:

- personal service (having the papers delivered directly to the other party),
- substitute service (delivery of papers to a person living at the other party'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 the other party's office during working hours), and
- service by mail (delivery to the other party by first class mail and by certified, registered or express mail **provided the other party signs a receipt** for the certified, registered or express mail; the other party must not be a minor or incapacitated.)

The law requires that you try to locate the other party through all possible methods before an alternative method of service is allowed. This may include contacting the other party's employer, friends and relatives, public utilities, the post office, and any other entity or person who might know of the other party'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 Declaration in Support of Motion for Alternative Form of Service (DECLARATION).
- Fill out the case heading and bottom of the Order Regarding Request for Alternative Form of Service (ORDER).

STEP 2

- File the original MOTION, DECLARATION and ORDER with the court clerk.

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 a petition by publication, you must have the summons published in the newspaper

specified in the ORDER. You must also mail a copy of the summons and petition or the pending motion, declaration and order to the other party if you know his or her mailing address or can find out what the mailing address number is with reasonable diligence. If you can't find out the address by exercising reasonable diligence, you may mail the documents to the other party'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 documents by first class mail and by any of the following: certified or registered mail, return receipt requested, or express mail.

STEP 5

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

STEP 6

Wait until the period for the other party 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 or you should attend the hearing that has been scheduled.