

REQUEST FOR ALTERNATE SERVICE METHOD

If you are not able to serve another party using any of the methods listed in [Oregon Rules of Civil Procedure \(ORCP\) Rule 7D\(2\)](#)¹, you can ask the court to allow you to serve by another method. You will have to explain why you cannot use any of the ORCP 7D(2) service options and why your request is reasonably likely to let the other party know about the case.

Other service methods include publication in a newspaper of general circulation, email or social media posting, and text message or fax. Any alternative service method must be the most reasonably likely way to inform the other party of the action. If there is another way you think you can notify the other party, specify your request in the “other” sections.

You will also have to explain what you have done to try to find the other party. Some common efforts include contacting the party’s employer, friends, and family, searching public utility and court records, the DMV or post office, and the internet.

STEP 1: FILLING OUT THE FORMS

Fill out the *Ex Parte Motion for Alternative Service & Declaration in Support*. Specify how you intend to serve the other party and why you believe your request is likely to advise the party of the case.

- **Parties & Case Number** – the parties and the case number are the same as they are on your filing papers

Make copies for your records

STEP 2: FILE YOUR FORMS

File the original *Motion & Declaration* with the court clerk where you filed your case. Courts handle these matters differently. You may be scheduled for an appearance, or you may have to file and appear at a certain time scheduled for all “ex parte” matters. Ask the clerk at your court how to proceed. Filing this motion is free.

STEP 3: SERVICE

If the court grants your motion, read the *Order* carefully. The judge may have made changes to your request or ordered additional actions. If you fail to follow the judge’s orders, you risk the court dismissing your case. If your case is dismissed for failure to serve and you want to refile, you may need to pay your case filing fees again.

Publication: You can take or send the *Summons for Service by Publication* to the approved newspaper. You do not need to publish the other documents you filed. Your Summons must include a summary of the case and the relief you are asking the court to order. If the court orders mailing in addition to publication, you must mail the Summons *and* other filed documents both by first class mail and by certified mail, return receipt requested.

¹ In person, by residential or office service, or by certified mail, return receipt requested

For any other method of service, you must be able to show the court that you successfully completed the requirements. For electronic service methods, this can mean a screenshot of the email, share, or text message, especially if it shows that the other party actually opened or viewed the message. For faxes, keep the confirmation page.

If the court approves service by Online Legal Service Posting, you must provide all required service documents to the court, including the Summons, if appropriate. See the instructions for your case forms. Court staff will post the documents to the OJD Online Legal Service Posting page. Postings will remain active for approximately 4 months and will be automatically removed by the court.

STEP 4: PROOF OF SERVICE

An original proof of service must be filed with the court in all cases except Online Legal Service Postings

- **For publication** - you must file the *Declaration of Publication* completed by a representative of the newspaper that published your Summons. You only need to file a *Certificate of Alternative Service* if the court also ordered you to mail copies. If so, you must file both a *Declaration of Publication* and a *Certificate of Alternative Service*.
- **For electronic methods** (email, text message, social media, fax, etc.) – complete and file a *Certificate of Alternative Service*. You can include screenshots or images.
 - The receiver must be able to open and read true copies of the documents
 - If you later learn that the other party did not personally receive the message, you must file an amended *Certificate of Alternative Service* to let the court know
- **For any other method** - complete and file a *Certificate of Alternative Service*

After you file your proof of service, refer to your original instruction document for the next steps in your case