

Family Law: Service by Publication or Posting

Service by publication or posting are alternate methods of service permitted by the court when the other party's whereabouts are unknown. You must receive permission from the court in order to perform service by publication or posting. The court can only approve your request to serve documents by publication or posting if you show that the other party cannot be served in any other manner. You will need to prove to the court that you have made exhaustive attempts to locate the other party.

Templates and Forms

- [Service of Summons by Publication or Posting \(Sacramento Court Packet\)](https://www.saccourt.ca.gov/family/docs/fl-service-by-publication-or-posting-packet.pdf) (<https://www.saccourt.ca.gov/family/docs/fl-service-by-publication-or-posting-packet.pdf>)

CAUTION!

The information in this guide applies only to family law cases. For other types of civil cases, see:

- [Publication of Summons](https://www.saclaw.org/resource_library/publication-of-summons/) (https://www.saclaw.org/resource_library/publication-of-summons/)

Common Questions

How do I search for the respondent?

The [Sacramento County Superior Court's packet](https://www.saccourt.ca.gov/family/docs/fl-service-by-publication-or-posting-packet.pdf) (<https://www.saccourt.ca.gov/family/docs/fl-service-by-publication-or-posting-packet.pdf>) offers some suggestions for locating the other party. Additional tips and resources are described in the "[Finding People and Businesses](https://www.saclaw.org/resource_library/finding-people-and-businesses/)" (https://www.saclaw.org/resource_library/finding-people-and-businesses/). The Court requires you to make diligent attempts to locate the other party before permitting you to serve your documents by publication or posting. Be sure to keep detailed records of your search.

Should I apply to publish or post my documents?

Service by posting is only available to parties meeting the low income guideline used for fee waivers. This

means you either need to have an approved fee waiver on file with the court, or you must apply for a fee waiver at the time you file your application for service by posting. If your income is above that level, you must apply for service by publication.

Where do I publish my documents?

You must publish your documents in a newspaper of general circulation in the county where the respondent was last known to reside. A list of these newspapers in Sacramento County is available on the [court's website](http://www.saccourt.ca.gov/general/docs/newspapers-gen-circulation.pdf) (<http://www.saccourt.ca.gov/general/docs/newspapers-gen-circulation.pdf>). You may select any of the newspapers on this list. You may want to call several of the newspapers since fees vary greatly.

Does the court arrange for publication?

No. You, as the party serving documents via publication, are responsible for arranging for publication of your documents. You are also responsible for ensuring that proof of publication is filed with the court. Many newspapers will automatically file this for you; be sure to confirm if the newspaper you choose will do this for you. If not, be sure to pick up the proof of publication from the newspaper, and file it with the court.

Where do I post my documents?

If the respondent's last known address is in Sacramento County, your documents will be posted at the Family Relations Courthouse, 3341 Power Inn Road, Room 100 Bulletin Board, Sacramento, CA 95826. If the last known address is outside Sacramento County, contact the family law courthouse in that county to ask for the posting location.

Does the court arrange for posting?

Yes, if the respondent's last known address is in Sacramento County. After your Application for Publication or Posting is approved, the court will post your documents for you at the courthouse. Court staff will also mail a copy of the appropriate documents to absent party's last known address.

If posting will occur in another county, you will need to make those arrangements yourself. You will need someone over the age of 18 who is not a party to the case to post your documents and complete the [Proof of Service by Posting \(FL-985\)](http://www.courts.ca.gov/documents/fl985.pdf) (<http://www.courts.ca.gov/documents/fl985.pdf>) at the end of the posting period. You will also need to have someone over 18 who is not a party to the case mail a copy of your documents, along with a

copy of the *Order for Publication or Posting*, to the opposing party's last known address. This person must then complete a [Proof of Service By Mail \(Form FL-335\)](http://www.courts.ca.gov/documents/fl335.pdf) (<http://www.courts.ca.gov/documents/fl335.pdf>) and file it with the court.

The [Sacramento County Superior Court's packet](http://www.saccourt.ca.gov/family/docs/fl-service-by-publication-or-posting-packet.pdf) (<http://www.saccourt.ca.gov/family/docs/fl-service-by-publication-or-posting-packet.pdf>) includes detailed instructions on this procedure in family court. Be sure to read those instructions carefully. Instructions for completing the forms commonly used in this procedure can be found below.

Samples

Proof of Service by Posting

This form is completed by the person who posts your documents once the posting period is over. If your documents are posted in Sacramento County, court staff will complete this step for you.

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Paul Sample
 1234 Main Street
 Sacramento, CA 95814

TELEPHONE NO.: 916-555-9876 FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): In Pro Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento

STREET ADDRESS: 3341 Power Inn Road
 MAILING ADDRESS: 3341 Power Inn Road
 CITY AND ZIP CODE: Sacramento, CA 95826
 BRANCH NAME: William R. Ridgeway Family Relations Courthouse

PETITIONER: Paul Sample
 RESPONDENT: Patricia Sample
 OTHER PARTY/PARENT:

CASE NUMBER: 34-2013-00012345

PROOF OF SERVICE BY POSTING

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)
 b. ☐ Summons (Unlawful Cohabitation)
 c. ☐ Other (specify):

2. Location where documents were posted: 3341 Power Inn Road, Room 214-Bulletin Board, Sacramento, CA 95826

3. Date when documents were first posted: June 1, 2013
 Date when documents were removed (document must be posted at least 28 days): June 30, 2013

4. My Name: Sally Server
 My Address: 625 Morningstar Way Sacramento, CA 95826
 My Telephone No.: 916-555-4569

I am (specify):
 a. ☐ exempt from registration under Business and Professions Code section 22350(b).
 b. ☒ 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: June 30, 2013

Sally Server
 (NAME OF PERSON WHO SERVED PAPERS)

(SIGNATURE OF PERSON WHO SERVED PAPERS)

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Proof of Service by Posting

Proof of Service by Mail

If your request to serve your documents by posting is granted, a copy of the *Order for Publication or Posting* (FL-982) and all the documents to be posted must be mailed to the respondent's last known address by someone over 18 who is not a party to the case. That person must complete this form, and return it to you for filing. If your documents are posted in Sacramento County, court staff will complete this step for you.

Paul Sample 1234 Main Street Sacramento, CA 95814 TELEPHONE NO.: 916-555-9876 FAX NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per		The party's name, address and phone number. "In Pro Per" means you are representing yourself.
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 3341 Power Inn Road MAILING ADDRESS: 3341 Power Inn Road CITY AND ZIP CODE: Sacramento, CA 95826 BRANCH NAME: William R. Ridgeway Family Relations Courthouse		
PETITIONER/PLAINTIFF: Paul Sample RESPONDENT/DEFENDANT: Patricia Sample OTHER PARENT/PARTY:		Enter the party names.
CASE NUMBER: 34-2013-00012345 (If applicable, provide): HEARING DATE: HEARING TIME: DEPT.:		
PROOF OF SERVICE BY MAIL		

NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).

- I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
- My residence or business address is:
625 Morningstar Way
Sacramento, CA 95833
- I served a copy of the following documents (specify):
Summons (Family Law)

by enclosing them in an envelope AND

a. ☒ depositing the sealed envelope with the United States Postal Service in a sealed envelope with postage fully prepaid.

b. ☐ placing the envelope for collection in my business's outgoing mail, check box b.

mailing. On the same day that I mail the documents, I will also mail a copy of the documents to the business with the United States Postal Service in a sealed envelope with postage fully prepaid.

- The envelope was addressed and mailed as follows:

a. Name of person served: Patricia Sample

b. Address: 987 Belmont Ave. #17

Sacramento, CA 95814

c. Date mailed: May 14, 2013

d. Place of mailing (city and state): Sacramento, CA

- ☐ I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. (Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)

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

Date: May 14, 2013

Sally Server

(TYPE OR PRINT NAME)

Sign and date this

(SIGNATURE OF PERSON COMPLETING THIS FORM)

Form Approved for Optional Use
Judicial Council of California
FL-335 (Rev. January 1, 2012)

PROOF OF SERVICE BY MAIL

Code of Civil Procedure, §§ 1013, 1013a
www.courts.ca.gov

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Proof of Service by Mail (FL-335)

Order for Publication

FL-982

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Paul Sample
 1234 Main Street
 Sacramento, CA 95814
 TELEPHONE NO.: 916-555-9876
 E-MAIL ADDRESS (Optional):
 ATTORNEY FOR (Name): In Pro Per

FOR COURT USE ONLY

YOUR NAME, ADDRESS AND PHONE NUMBER. "In Pro Per" means you are representing yourself.

Court name, address, and branch.

Check the box for the order you're requesting.

Enter the party names.

Case number.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento
 STREET ADDRESS: 3341 Power Inn Road
 MAILING ADDRESS: 3341 Power Inn Road
 CITY AND ZIP CODE: Sacramento, CA 95826
 BRANCH NAME: William R. Ridgeway Family Relations Courthouse

PETITIONER: Paul Sample
 RESPONDENT: Patricia Sample
 PARTY/PARENT:

ORDER FOR ☒ PUBLICATION OR ☐ POSTING

CASE NUMBER: 34-2013-00012345

1. ☒ **Publication Granted:** The court finds that Code of Civil Procedure. The court orders one week for four successive weeks in the following Daily Recorder.

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:

And that the documents in item 6, along with this order, be mailed to the following location:

3. ☐ **Publication 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.
 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: _____

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-111)
 c. ☐ Other (specify): _____

7. If, during the 28 days of publication or posting, you locate the respondent's address, you may mail the documents listed in item 6 to the respondent along with this order. The Proof of Service by Mail (form FL-335).

Date: _____

The Judge will sign this form.

JUDICIAL OFFICER _____

Form Approved for Optional Use
 Judicial Council of California
 FL-982 (New January 1, 2013)

**ORDER FOR PUBLICATION OR POSTING
 (Family Law)**

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 Code of Civil Procedure, § 415.50
 www.courts.ca.gov

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